
COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Tuesday, April 15, 2003

4:00 P.M.

CITY COUNCIL SPECIAL MEETING TO CALL EXECUTIVE SESSION

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Blvd.

Roll Call – 4:07 P.M.

1. MOTION TO RECESS INTO EXECUTIVE SESSION, IF NEEDED, FOR LEGAL ADVICE AND TO CONSIDER THE CITY'S POSITION AND INSTRUCT ITS REPRESENTATIVES AND ATTORNEYS REGARDING NEGOTIATIONS AND ACQUISITION OF A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE McDOWELL SONORAN PRESERVE: **OK – 7/0**

780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street. A.R.S. 38-431.03 (A)(3), -(A)(4) and -(A)(7). Contact: Robert Cafarella 480-312-2577, (rcafarella@ci.scottsdale.az.us)

Adjourn – 4:21 P.M.

CITY COUNCIL EXECUTIVE SESSION

Immediately Following 4:00 P.M. City Council Special Meeting

Call to Order – City Hall Kiva Conference Room

1. DISCUSSION WITH REPRESENTATIVES OF THE PUBLIC BODY AND DISCUSSION AND CONSULTATION WITH CITY ATTORNEYS FOR LEGAL ADVICE AND TO CONSIDER THE CITY'S POSITION AND INSTRUCT ITS REPRESENTATIVES AND ATTORNEYS REGARDING NEGOTIATIONS AND ACQUISITION OF A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE McDOWELL SONORAN PRESERVE:

780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street. A.R.S. 38-431.03 (A)(3), -(A)(4) and -(A)(7). Contact: Robert Cafarella 480-312-2577, (rcafarella@ci.scottsdale.az.us)

Adjourn

5:00 P.M. CITY COUNCIL MEETING

Call to Order – 5:17 P.M.

Roll Call – ALL PRESENT

Pledge of Allegiance – COUNCILWOMAN LUKAS

Invocation - NONE

Presentations/Information Updates

Proclamation Recognizing City Volunteers – MAYOR MANROSS PRESENTED THE PROCLAMATION TO JACKIE MURRAY SINCE JACKIE HAS BEEN A VOLUNTEER IN CITY HALL FOR MANY YEARS

ROBERT BALDWIN, RECREATIONAL TRAILS GRANT COORDINATOR PRESENTED A CHECK TO THE CITY FOR \$189,851.00 FOR THE DEVELOPMENT OF THE TWO TRAILHEADS LOCATED IN THE HIDDEN HILLS COMMUNITY.

Appointment

Associate Judge – Orest Jejna – MOTION TO REAPPOINT OREST JEYNA TO SECOND TERM FROM MAY 1, 2003 – MAY 1, 2005 AT A SALARY OF \$108,180. – OK – 7/0

Boards and Commissions

Historic Preservation Commission (1) – NANCY DALLETT

McDowell Sonoran Preserve Commission (3) – ERIK FILSINGER, ARNOLD ROY, CHRISTINE KOVACH

Planning Commission (3) – JEFFREY SCHWARTZ, ERIC HESS *(AS OF MAY 1ST), DAVID BARNETT

Tourism Development Commission (2) – GERALD GLEASON AD KENNETH GOLDFINE

***Public Comment – BILLY KIRKLAND – QUESTIONED WHY THE CITY COUNCIL WOULD VOTE TO GIVE THE ELLMAN COMPANIES \$42 MILLION TO BUILD A WAL-MART, LOWS, AND SAM'S CLUB ON THEIR PROPERTY; MIKE MANSON – STATED HIS OPINION THAT THE APPROVAL OF PROPOSITION 200 AND 201 WOULD HAVE A SERIOUS FISCAL IMPACT ON THE CITY, THEREFORE, THE VOTERS NEED MORE INFORMATION; LEE DAVIS – URGED VOTERS TO SUPPORT PROPOSITION 200 AND 201; SHAWNDEE AMBROSIA – URGED SUPPORT FOR PROPOSITION 200 AND 201; CHRISTINA CANALE – STATED HER SUPPORT FOR THE FIREFIGHTERS INITIATIVES AND URGED VOTERS TO APPROVE THE PROPOSITIONS; DANIEL BASINGER – REMINDED CITIZENS OF THE ADOPT A ROAD PROGRAM SCHEDULED FOR APRIL AND URGED CITIZENS TO PARTICIPATE.

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or

during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

**Minutes – OK (3/17/03 MINUTES
AS AMENDED) – 7/0**

REGULAR MEETINGS

March 17, 2003

March 18, 2003

*****1. WITHDRAWN – No ACTION NECESSARY
Kit Cat Lounge Liquor License**

2. Bashas #129 Liquor License – OK-C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a location transfer of a series 09 (liquor store) State liquor license located within a retail grocery store.

Location: 11755 N 136th St

Reference: 17-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

3. Pure Fitness Use Permit – OK-C

Request: Approve a conditional use permit for a health studio in a 25,000 +/-sq ft tenant space of a building located at 7330 E Shea Blvd, Suites 101 & 102 with Central Business District (C-2) zoning.

Location: 7330 E Shea Bl 101,102

Reference: 1-UP-2003

Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov

4. Mountain View Park Final Plat – OK-C

Request: Approve a Final Plat.

Location: Northwest corner of 96th Street & Mountain View

Reference: 25-PP-2002

Staff Contact(s): Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@ScottsdaleAZ.gov

5. City of Scottsdale Well No. 123 Use Permit – OK-C

Request: Approve a conditional use permit for a city well (municipal use) on a .17 +/- acre parcel located at the northeast corner of Scottsdale Road and East Princess Boulevard with Open Space (OS) zoning.

Location: Northeast corner of Scottsdale Rd & East Princess Blvd

Reference: 25-UP-2002

Staff Contact(s): Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@ScottsdaleAZ.gov

6. Contract with Qwest Corporation for a dedicated telephone line that provides for sharing of freeway and local Intelligent Transportation System related data. – OK-C

Request: Consider approval of Contract No. 2003-051-COS with Qwest Corporation, for \$23,416 per year, and increase the proposed budget for traffic signal lines in fiscal year 2003/04 by \$23,500 to cover the added expense. No additional budget is required for fiscal year 2003/04 for period of service April through June 2003.

Related Policies, References: Procurement Code; Resolution No. 4994, February 17, 1998; City Code, Chapter 17-21: Cooperate with other City officials in the development of ways and means to improve traffic conditions.

Staff Contact(s): Bruce Dressel, ITS Analyst, 480-312-2358, bdressel@ci.scottsdale.az.us

7. Rassner/Library and Scottsdale Community/Human Services Endowments. – OK-C

Request: Consider approving the distribution of interest income from city's endowment program; including the recommendation from the Library Advisory Board for an award of \$20,000 to the library and the recommendation of the Human Services Commission for awards of \$1,000 to Concerned Citizens for Community Health, \$1,000 to Paiute Neighborhood Center, and \$1,000 to the Foundation for Senior Living Resolution.

Related references: Resolution # 6112.

Staff Contact(s): Sharyn Pennington, Budget/Operations Coordinator, (480) 312-7086, shap@scottsdaleaz.gov

8. Sole Source Purchase of 3M SelfCheck Machines for the Scottsdale Library System – OK-C

Request: Consider authorization of a sole source purchase from 3M Library Systems for replacement of eight (8) self check out machines for use at four (4) Scottsdale library locations and one (1) outreach site at a total price of \$172,640.00.

Staff Contact(s): Debbie Tang, Special Projects/Facilities Manager, (480) 312-2040, dtang@scottsdaleAZ.gov for more information

9. Accept Arizona State Library State Grant-In-Aid construction grant for \$25,000 to bring Mustang Library lobby and restrooms in compliance with ADA – OK-C

Request: The grant will be used to replace a portion of City funds budgeted for the Mustang Library ADA project. The project is budgeted in the Facilities Maintenance Department's FY 2002/03 operating budget for \$131,000. The project scope has been reduced and the total project cost is approximately \$94,000. The grant was anticipated and included in the approved FY 2002/03 Grants budget.

Related policies: the Americans with Disabilities Act, 1990.

Staff Contact(s): Please contact Debbie Tang, Special Projects Manager, 312-2040, dtang@ScottsdaleAZ.gov; Steve Arnold, Contracts Coordinator, 312-2181, stevearnold@ScottsdaleAZ.gov

10. WITHDRAWN

Amend the Recreational Land Use Agreement (RLUA) between the Bureau of Reclamation (BOR) and the City of Scottsdale. – No ACTION NECESSARY

11. Professional Services Agreement for Financial Advisor

Request: Authorize Professional Services Agreement No. 2003-047-COS with US Bancorp Piper Jaffray Inc. for Financial Advisor.

Staff Contact(s): Rebecca A. Eickley, Finance and Energy Manager, (480) 312-7084, reickley@ci.scottsdale.az.us

12. Professional Services Agreement for Bond Counsel – OK-C

Request: Authorize Professional Services Agreement No. 2003-048-COS with Snell & Wilmenr for Bond Counsel for financings to include Improvement Districts (Ids), General Obligation (GO) Bonds, Water and Sewer Revenue (W & S) Bonds, Highway User Revenue Fund (HURF) Bonds, Municipal Property Corporation (MPC) Bonds, and Scottsdale Preserve Authority (SPA) Bonds.

Staff Contact(s): Rebecca A. Eickley, Finance and Energy Manager, (480) 312-7084, reickley@ci.scottsdale.az.us

13. **Adoption of Notice of Intention to increase water and wastewater rates and establishment of May 19, 2003 as the date for a public hearing. – OK-C**
Request: Adopt Notice of Intention to set water and wastewater rates for Fiscal Year 2003/2004 and to establish May 19, 2003 as the date for a public hearing.
Staff Contact(s): Craig Clifford, Financial Services General Manager, (480) 312-2364, cclifford@ScottsdaleAz.gov
14. **Gila River Indian Community Water Rights Settlement Agreement – OK-C**
Request: Adopt Resolution no. 6282, authorizing the execution of Agreement 2003-049-COS and Agreement 2003-050-COS and
Authorize execution of the Gila River Indian Community Water Rights Settlement Agreement (Agreement 2003-049-COS) and the Lease Agreement for CAP Water Among the City of Scottsdale, the Gila River Indian Community and the United States, as Trustee for the Gila River Indian Community (Agreement 2003-050-COS). The Settlement Agreement settles the water rights claims of the Gila River Indian Community, and the Lease Agreement provides a 100-year assured water supply of 12,000 acre-feet of CAP water to the City of Scottsdale.
Staff Contact(s): Beth Miller, Water Resources Advisor, (480) 312-5009, emiller@ci.scottsdale.az.us
15. **Construction Bid Award for Scottsdale Road, Phase One, from Indian Bend to McCormick Parkway – OK-C**
Request: AUTHORIZE Construction Bid Award No. 03PB073 to Hunter Contracting Co., the lowest responsive bidder, at their total base unit price bid of \$7,491,359.22;
AUTHORIZE an increase in budget authorization in the total amount of \$1,800,000 to CIP Account No. S2707 (Scottsdale Road – Indian Bend to Gold Dust) effective in Fiscal Year 2003/04;
AUTHORIZE depositing the following estimated payments to CIP Account No. S2707 from the Town of Paradise Valley and various utility companies for work to be performed under City of Scottsdale construction contracts:
- \$1,100,000.00 from the Town of Paradise Valley per C.O.S. Contract No. 96001A, underground conversion of 69 KV power lines, which was approved by Council on December 9, 2002.

- \$400,000.00 from Southwest Gas for trenching and related costs for system relocation and expansion.
- \$200,000.00 from Qwest Communications for system relocation and expansion.
- \$100,000.00 from COX Communications for system relocation.

AUTHORIZE estimated payments totaling \$2,500,000 to APS for this company's direct costs to install 69kV underground conversions, 69kV temporary relocations, 12kV underground conversions and new street light system construction for the entire length of this project.

The construction contract proposed for award by this action is the first of two major contracts planned to widen and reconstruct a 2-¾ mile length of Scottsdale Road between Indian Bend Road and Gold Dust Street. This contract includes the widening of a one-mile length of Scottsdale Road between Indian Bend Road and McCormick Parkway and includes a new bridge to be constructed over the Indian Bend Wash immediately south of the McCormick Parkway. The underground conduit system for the 69kV power lines, through this portion of the project, will also be installed as part of this contract and the existing overhead 69kV lines will be temporarily relocated along the east and west sides of Scottsdale Road. The second construction contract to complete the remaining 1 ¾ mile widening and reconstruction of Scottsdale Road is planned for award in April, 2004.

Related Policies, References:

- Intergovernmental Agreement (IGA) No. 96-0001 between City of Scottsdale (city) and Town of Paradise Valley (town) (Approved 2/5/96 by Scottsdale City Council).
- Amendment to IGA No 96-001A which established responsibilities for under grounding of the existing 69kV electrical power line between the city and the town. (Approved 12/9/02 by Scottsdale City Council and approved 12/19/02 by Paradise Valley Town Council)
- De-annexation Ordinance (Approved 11/7/02 by Paradise Valley Town Council and approved 12/9/02 by Scottsdale City Council).

Staff Contact(s): Alex McLaren, Construction and Design Director, (480) 312-7099, amclaren@ci.scottsdale.az.us; Dan Walsh, Project Manager, (480) 312-5248, dwalsh@ci.scottsdale.az.us

16. **Contract Modification for Phase 2 Design of the Chaparral Water Treatment Plant Influent and Distribution Lines. – OK-C**

Request: Authorize Contract Modification to Engineering Services Contract No. 2002-073-COS-A with HDR Engineering, Inc., in the amount of \$1,375,559 for Phase 2 of the design of Chaparral Water Treatment Plant Inlet and Distribution Line Project.

Related Policies, References: Engineering Services Contract No. 2002-073-COS, approved by City Council on July 1, 2002.

Staff Contact(s): Doreen Song, P.E. Project Manager, (480)312-2367, dsong@scottsdaleaz.gov

17. Contract for Legal Services in connection with City of Scottsdale v. Glenalden Homes, L.L.C., et al., Superior Court Case No. CV 99-13348 – OK- 7/0

Request: Adopt Resolution No. 6280 authorizing the Mayor to execute Contract No. 2001-038A-COS, an outside counsel contract renewal in a maximum amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00) with the law firm of GRAHAM & ASSOCIATES, LTD. for legal services regarding representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Glenalden Homes, L.L.C., et al., Superior Court Case No. CV 99-13348, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6280

Staff Contact(s): David A. Pennartz City Attorney, dpennartz@scottsdaleaz.gov
(480) 312-2405

18. Acquire right-of-way/easements (ROW) for the widening of 96th Street from Shea Boulevard to Thunderbird Road – OK-C

Request: Adopt Resolution No. 6285 authorizing the acquisition of various rights-of-way and easements from property located at 9598 E. Cactus Road, owned by Allan and Julie La Magna, at the total appraised value of \$117,611 plus approximately \$1,500 in closing costs for the 96th St. Improvements CIP project (Shea – Thunderbird Rd).

Related Policies, References:

- a. Resolution No. 6253 authorizing the initiation of negotiations for the acquisition of 16 various parcels of ROW from nine property owners for the 96th St. Improvements project (Shea-Thunderbird Rd).
- b. Cactus Corridor Equestrian Overlay District
- c. Bond 2000 CIP Project

Staff Contact(s): Marek Urbanek, Project Manager, (480) 312-2563, murbanek@ci.scottsdale.az.us;
Rhonda Thomas, Right of Way Agent, (480) 312-7847, Rthomas@ci.scottsdale.az.us

19. Public Hearing on Scottsdale's Community Development Block Grant Fiscal Year 2003-2004 Annual Action Plan – OK – 7/0

Request: Solicit public testimony regarding the Fiscal Year 2003-2004 Annual Action Plan for the use of Community Development Block Grant (CDBG) funds in the amount of \$1,400,000; and the HOME Investment Partnerships Program (HOME) funds in the amount of \$423,892; and Adopt Resolution No. 6274.

Related policies and references: City Council adopted Resolution No. 5501 on March 20, 2000 which authorized and adopted the City of Scottsdale's Consolidated Plan for general use of CDBG funding and HOME funds for Fiscal Years 2000/2004.

Staff Contact(s): Contact Mark Bethel, Community Assistance Manager (480)312-2309, mbethel@scottsdaleaz.gov

20. Pueblo Poquito Abandonment – OK – 7/0

Request: Approve the abandonment of a certain portion of the north 10 feet public right-of-way for Mountain View Road, a 20 feet wide section of 123rd Street public right-of-way including a 46 feet radius cul-de-sac, and a 33 feet General Land Office patent roadway easement along the 123rd Street alignment. 123rd Street will change from a public to a private street.

Location: 123rd Street & Mountain View Road

Reference: 11-AB-2002, Resolution No. 6268

Staff Contact(s): Pete Deeley, Project Coordination Manager, 480-312-2554, pdeeley@ScottsdaleAZ.gov

21. Pueblo Poquito Replat – OK – 7/0

Request: Approve a replat of Pueblo Poquito Final Plat, a 6-lot subdivision.

Location: Northeast corner of Mountain View Road & 123rd Street

Reference: 10-PP-1998#2

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov

Public Comment – LEON SPIRO – SPOKE IN OPPOSITION TO THE CITY ABANDONING ITS RIGHTS RELATING TO GLO EASEMENTS

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE**Mayor and Council Items - NONE****Adjournment – 6:40 P.M.**